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असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 5th January, 1996/Pausa 15, 1917 (Saka)

The following President's Act is published for general information:—

THE UTTAR PRADESH URBAN LOCAL SELF-GOVERNMENT LAWS (AMENDMENT) ACT, 1995

No. 3 OF 1996

Enacted by the President in the Forty-sixth Year of the Republic of India.

An Act further to amend the Uttar Pradesh Municipal Corporations Act, 1959 and the Uttar Pradesh Municipalities Act, 1916.

2 of 1996 In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995, the President is pleased to enact as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Uttar Pradesh Urban Local Self-Government Laws (Amendment) Act, 1996.

(2) It shall be deemed to have come into force on September 29, 1995.

Short title and
commence-
ment.

CHAPTER II

AMENDMENT OF THE UTTAR PRADESH MUNICIPAL CORPORATIONS ACT, 1959

Amendment of
section 7 of
U.P. Act II of
1959.

2. In section 7 of the Uttar Pradesh Municipal Corporations Act, 1959, in sub-section (5),—

(a) after the words "Nagar Pramukhs", the words "and the Upa Nagar Pramukh" shall be inserted;

(b) the following proviso shall be inserted, namely:—

"Provided that if the office of the Nagar Pramukh of a Corporation is reserved, the office of Upa Nagar Pramukh of that Corporation shall not be reserved."

CHAPTER III

AMENDMENT OF THE UTTAR PRADESH MUNICIPALITIES ACT, 1916

Amendment of
section 9-A of
U.P. Act No. 2
of 1916.

3. In section 9-A of the Uttar Pradesh Municipalities Act, 1916, (hereinafter referred to as the principal Act), in sub-section (5) —

(a) after the word "Presidents", the words "and the Vice-Presidents" shall be inserted;

(b) The following proviso shall be inserted, namely:—

" Provided that if the office of the President of a Municipality is reserved, the office of Vice-Presidents in that Municipality shall not be reserved."

Amendment of
section 13-J.

4. In section 13-J of the principal Act, in sub-section (1) clause (c) shall be omitted.

CHAPTER IV

MISCELLANEOUS

Repeal and
saving.

5. (1) The Uttar Pradesh Urban Local Self-Government Laws (Fourth Amendment) Ordinance, 1995 is hereby repealed.

U.P. Ordinanc
38 of 1995.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act.

SHANKER DAYAL SHARMA,

President.

K.L. MOHANPURIA,

Secy. to the Government of India.

Reasons for the enactment

Comprehensive amendments were made in pursuance of the Constitution (74th Amendment) Act, 1992 in the Urban Local Self Government Laws. Sub-section (5) of section 7 of the Uttar Pradesh Municipal Corporations Act, 1959 and sub-section (5) of section 9-A of the Uttar Pradesh Municipalities Act, 1916 respectively provided for reservation of the offices of the Nagar Pramukh of the Municipal Corporations and of the Presidents of the Municipalities in favour of the Scheduled Castes, Scheduled Tribes, backward classes and the women. According to the State Election Commission reservation to the offices of Up-Nagar Pramukh and the Vice-Presidents like those of the Nagar Pramukhs and the Presidents was also necessary. The provisions of section 130 of the Representation of the People Act, 1951 that no person shall on the date or dates on which the poll is taken at any polling station canvass for votes, solicit the vote of any elector persuade any elector not to vote for any particular candidate, persuade any elector not to vote at the election or exhibit any notice or sign relating to the election within the polling station or in any public or private place within a distance of one hundred metres of the polling station were accordingly provided in section 48 of the Uttar Pradesh Municipal Corporation Act, 1959 but in clause (c) of sub-section (1) of section 13-J of the Uttar Pradesh Municipalities Act, 1916, the provision of twenty five metres was made in place of one hundred metres. It was decided to amend the aforesaid Acts to provide for the reservation to the offices of the Up-Nagar Pramukhs and the Vice-Presidents and to provide for one hundred metres in place of twenty five metres for the said offences relating to elections.

2. Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh Urban Local Self Government Laws (Fourth Amendment) Ordinance, 1995 (U.P. Ordinance No. 38 of 1995) was promulgated by the Governor on 29th September, 1995.

3. The President issued a proclamation on the 18th October, 1995 under article 356 of the Constitution, in relation to the State of Uttar Pradesh, declaring, *inter alia*, that the powers of Legislature of the State shall be exercised by or under the authority of Parliament. Parliament has, under article 357(1)(a) of the Constitution, now conferred on the President, the powers of the Legislature of the State of Uttar Pradesh to make laws *vide* the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995 (2 of 1996).

4. The said Ordinance could not be replaced by an Act and the Ordinance is expiring on 7th January, 1996. It is, therefore, decided that the said Ordinance shall be replaced by a President's Act.

5. Under the proviso to sub section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995 (2 of 1996) the President shall, before enacting any President's Act, consult a Committee constituted for the purpose consisting of the members of both the Houses of Parliament. As the said Committee has yet not been constituted and the matter is very urgent, it is proposed to enact the measure without reference to the said Committee.

C. RAMACHANDRAN,

Secy. to the Government of India.

